



# Commissioner for Ethical Standards in Public Life in Scotland

## **Minutes of the Meeting of the Management Team** held on 11 April 2018 from 10.00 to 12.00 at Thistle House, 91 Haymarket Terrace, Edinburgh

### **Present:**

Bill Thomson, Commissioner for Ethical Standards in Public Life in Scotland, (BT)  
Claire Gilmore, Senior Investigating Officer, (CG)  
Ian Bruce, Public Appointments Manager, (IB)  
Karen Elder, Business Manager, (KE)  
Brenda McKinney, Investigations Manager, (BM)  
Ruth Hogg, Business Officer, (RH)

### **Apologies:**

#### • **MINUTES**

##### 1.1 Approval of previous minutes.

###### Decisions

- i. The minutes of the meeting held on 14 February 2018 were approved.

##### 1.2 Matters arising

All actions were completed except for the following:

###### Actions

- i. KE has developed the structure of the FOI request database and is currently populating the tables.
- ii. KE to develop a policy review schedule for 30 April.
- iii. KE to update policies in line with ACAS guidance and consider amending further to reflect SPCB policy formats.
- iv. KE to pursue Cyber Essentials Plus accreditation by end March.
- v. BT and KE to agree new email signature format.
- vi. KE to update data protection policy.
- vii. KE to pursue archiving agreement with NRS.

#### • **POLICIES AND PLANS**

##### 2.1. Governance matters

BT asked the meeting if there were any governance matters giving concern. No matters were raised.

## 2.2. Policies

- IB provided an update on the development of the Commissioner's British Sign Language plan. Office-holders had agreed to work with the SPCB to develop a consolidated plan. IB submitted the agreed CESPLS content to the SPCB for inclusion in the draft and will work with SPCB on a proposed open event for BSL users at the Parliament.
- KE has carried out an audit of all policies and procedures in all three drives. KE is identifying the policies requiring urgent updating due to changes to legislation e.g. Data Protection Policy to be updated by 25 May 2018 and a draft plan to update other policies which are due for review.

### Actions

- i. KE to develop a policy review schedule and meet with BT to discuss the results by 30 April.

## 2.3 Strategic Plan and Business Plan

- Public appointments report – 1 April 2017 to 31 March 2018
  - 24 rounds brought forward from 2016/17 (Prior year: 27). Twenty-one complete and three incomplete.
  - 90 new rounds were started during the year to date, 12 of which were cancelled by the Scottish Government and with 40 completed. 13 are 'early engagement' rounds.
  - Currently 53 'live' rounds (PY:24).
  - 127 reappointments notified to us (PY: 85).
  - 646 substantive issues raised (PY: 466).
  - 20 reports of good practice.
  - No reports of a material breach of the Code of Practice have been made to the Scottish Parliament (PY: 0).
  - Two EQUATE Scotland seminars were run in March 2018. Come on Board event also run.
  - PAM gave a talk on public appointments to attendees at an SG graduate development programme. This will now run annually.
  - PAM agreed to provide training for independent panel members on their role.
- Public standards report – 1 April 2017 to 31 March 2018
  - Complaints about LA councillors/member of public bodies.
    - 146 complaints /80 cases received (PY: 174/106)
    - 176 complaints /90 cases completed (PY: 224/127)
    - 24 complaints/20 cases in progress
    - 12 hearings concluded and 1 SCS decision not to hold a hearing
    - 1 hearing scheduled
  - Complaints about MSPs
    - 28 complaints/24 cases received (PY: 22/20)
    - 29 complaints /24 cases completed (PY: 19/18)
    - 2 complaints in progress
    - 3 breaches reported to the Scottish Parliament
  - 44 prospective complaints
  - 82 enquiries
  - 16 post decision enquiries have been received
- An update on Lobbying was provided. The Lobbying Register came into force on 12 March 2018. As lobbyists have 6 months to register lobbying, it was not expected that there would be any complaints made before September 2018. Investigation protocol and Investigation procedures are currently being drafted.

- Review of 2017/18  
The meeting reviewed the annual business plan for 2017/18, identified actions completed and those to be carried forward to 2018/19 and discussed any inhibiting factors.
- Annual Business Plan 2018/19  
The meeting reviewed the first draft of the annual business plan 2018/19. A number of amendments were identified.

#### Actions

- i. IB, KE and BM to update current draft of the 2018/19 annual business plan by 13 April.
- ii. Final draft to be agreed by BT and KE to circulate.
- iii. BT and KE to meet on 13 April to discuss risks associated with 2018/19 plan. Thereafter, KE to circulate draft risk register.

#### 2.4 Continuous improvement

- One consultation response regarding the Parole Board for Scotland has been issued. A response to a Cyber Resilience consultation must be issued by 30 April.
- One complaint has been made to the SPSO regarding the work of the office.
- Since the previous meeting, six FOI requests have been received (1 appointments, 3 Standards and 1 Office). One is awaiting a response.

#### Actions

- i. KE to draft response to Cyber Resilience consultation.

### • **RESOURCES AND PERFORMANCE**

#### 3.1. Finance

- Awaiting final IO timesheets. An underspend is anticipated in 2017/18.
- The budget bid for 2018/19 has been approved. Part of the budget set aside for a Data Protection Officer has been removed given the anticipated agreement to use the parliament's DPO.

#### 3.2. Staffing

- Due to increased demand, the Public Appointments Officer is working an increased number of hours per week.
- The Management Team recognised that staff members in new roles were bedding in well and contributing to the office.
- The Commissioner is evaluating the current IO grading structure. Additional assistance with the project is being provided by a PAA with specialist expertise and by the SPCB. Recommendations are expected Sept/Oct 2018.

#### 3.3. Accommodation

- No issues with accommodation.

### 3.4. IT

- HH provided an update on the tender for the CMS. Three companies tendered and the Assessment Panel met with all three between March and April. The Panel has agreed all technical scores and these will be passed to the Scottish Government for final assessment. Bid prices have not yet been disclosed.
- KE has arranged for CIVIC to hold a Stakeholder Meeting with key people in the office on 1 May 2018. This meeting will allow CIVIC to obtain an understanding of the organisation and our requirements for redevelopment of the website.
- The Commissioner is planning to obtain Cyber Resilience + accreditation. KE has completed a first draft of the questionnaire which will be passed to our ICT Support Contractor for completion.

### 3.5. Other active projects

- The meeting discussed the 2017/18 Annual Report. Deloitte's commence their onsite audit on 18 June and the final draft annual report and accounts must be ready for then. It was agreed that the layout would be based on the previous year's Annual Report and Accounts.
- Work on achieving the requirements of the GDPR continues.
  - CG and KE to meet to discuss how the requirements for GDPR are progressing and to ensure they are recorded.
  - The external privacy notice is now available on the website with clear links on each page.
  - The internal privacy policy has been drafted.
  - The SPCB and office-holders are developing a shared arrangement for Data Protection Officer support. The MoU is to be finalised.
  - Awaiting access to the SPCB's training module for staff.
  - Updating the Data Protection policy will be completed before 25 May.
  - Data audits are now complete, with one review left to complete. Any actions from the audits will be undertaken over the coming year.
- Records management progress
  - Office – annual review has been completed.
  - Standards – annual review has been completed. Work on historic records is progressing well.

#### Actions

- KE to circulate and publish internal privacy notice.
- KE to provide revised wording for two sections of the draft DPO MoU.

#### • **AOB**

- The meeting discussed the Scheme of Delegation. It was agreed that CG and RH would be added to this.

#### Actions

- KE to draft revised SoD.
- KE to arrange new bank mandate.

- **FUTURE MEETINGS**

- 10.00 Wednesday, 30 May (HH)
- 10.00 Wednesday, 01 Aug (BM)
- 10.00 Wednesday, 03 Oct (HH)
- 10.00 Wednesday, 05 Dec (BM)
- 10.00 Wednesday, 30 Jan 2019 (HH)
- 10.00 Wednesday, 27 Mar 2019 (BM)
- 10.00 Wednesday, 22 May 2019 (HH)



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Chair of meeting  
Bill Thomson, Commissioner for  
Ethical Standards in Public Life in Scotland

*6 June 2018*  
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Date of Approval